

## **BELLEVUE PLANNING COMMISSION**

Thursday, March 25, 2021 7:00 PM

Bellevue City Hall

1500 Wall Street

Bellevue, NE 68005

### **1. CALL TO ORDER:**

a. Roll Call

b. The Open Meetings Act location

c. Approve Minutes of February 25, 2021 Regular Meeting

d. Accept into the record all staff reports, attachments, memos, and handouts regarding each application.

### **2. CONSENT AGENDA/PUBLIC HEARINGS:**

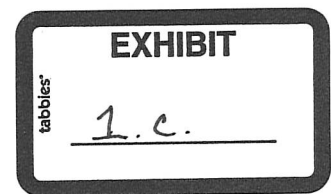
#### **3. PUBLIC HEARINGS:**

a. Request to rezone Tax Lots 6A1A and 9A4A1, east of right-of-way, located in the Southwest ¼ of Section 26, T14N, R13E, of the 6th P.M., from BG to RG-20 for the purpose of a residential group home facility. Applicant: i3, LLC. General Location: 601 Chateau Drive. Case #: Z-2012-17.

b. Request to rezone Lots 1 through 3, Old Orchard Place Replat 2, being a replat of Lots 15A, 15B, and 15C, Old Orchard Place, from AG and RE to RE and RG-50, for the purpose of existing residential development; small subdivision plat Lots 1 through 3, Old Orchard Place Replat 2; and waiver of Section 6-7 (8), Subdivision Regulations, regarding lot standards for flag lots. Applicant: DWS Land Surveying. General location: 9100 S 13th Street. Case #'s: Z-2102-01 and S-2101-01

#### **4. CURRENT BUSINESS**

#### **5. ADJOURNMENT 8:22 PM**



# MINUTE RECORD

Bellevue Planning Commission Meeting, February 25, 2021 Page 1

Pursuant to the Governor's Executive Order 20-36, on Thursday February 25, 2021, at 7:00 p.m. the Bellevue Planning Commission meeting was held via video conference. Upon roll call, present were Commissioners Casey, Perrin, Aerni, Ackley, Hankins, Cutsforth and Jacobson. Absent were Cain and Ritz. Also present were Tammi Palm, Planning Manager, and Angela Curry, Assistant Planning Manager.

Notice of this meeting was given in advance thereof by publication in the Gretna Guide and posting in two public places and was given to the Chairperson and members prior to the meeting. These minutes were written and available for public inspection within ten days of the meeting.

Cutsforth announced the Open Meetings Act pursuant to the Governor's Executive Order 20-36, and said the meeting may be held via videoconference, telephone conference, or by conferencing by other electronic means. As such, said meeting will be a virtual meeting and the public may join using Facebook live via the City of Bellevue's Facebook page.

Motion was made by Hankins, seconded by Jacobson, to approve the minutes of the January 28, 2021 regular meeting as presented. Upon roll call, all voted yes. Motion carried unanimously.

Cutsforth asked if there were any updates or additions to staff reports. Palm advised there were updates. She stated several emails were received regarding the public hearing item to rezone Tax Lots 6A1A and 9A4A1. Palm stated an email in opposition was received from Daniel Schmit, Deer Creek Realty & Management and another letter was received from Jerry Kassebaum in opposition to the public hearing item. She said an email was received from the applicant, Fisher Easterling, requesting a continuance to the March 25, 2021, Planning Commission Meeting.

Motion was made by Casey, seconded by Aerni, to accept into the record all staff reports, attachments, memos, and handouts regarding each application. Upon roll call, all present voted yes. Motion carried unanimously.

PUBLIC HEARING was held on a request to rezone Tax Lots 6A1A and 9A4A1, east of right-of-way, located in the Southwest ¼ of Section 26, T14N, R13E, of the 6th P.M., Sarpy County, Nebraska from BG to RG-20 for the purpose of a residential group home facility. Applicant: i3, LLC. General Location: 601 Chateau Drive. Case #: Z-2012-17.

Custforth asked staff if the applicant was present. Palm stated the applicant was not present. She stated, as previously mentioned Mr. Fisher Easterling on behalf of the applicant i3, LLC is requesting no action be taken by the Planning Commission and the item be continued to the March 25, 2021, Planning Commission Meeting.

Cutsforth explained the public hearing procedures.

Perrin asked staff if it was necessary to have a public hearing now, with the possibility of a continuance. Palm stated since the item is on the agenda as a public hearing it is required to be opened as such.

Perrin asked staff if there was a limit to the applicant's requests for a continuance and what would be the process if the continuance were denied. Palm stated typically when an applicant requests a continuance it is granted; however, the Planning Commission votes whether or not to grant the continuance.

Jerry Kassebaum, 6821 Glass Ridge Drive, Lincoln, NE, stated before retiring he visited several Nebraska group homes. He believes if this company from out of state is allowed to have a group home in Bellevue they will bring in occupants from out of state. Kassebaum stated he did not have a problem with what i3, LLC is doing but feels the support should be for Nebraska residents. Kassebaum stated Beatrice, NE remodeled and re-opened a bowling alley that had been closed for several years and it is now a thriving business. He stated he believes this facility is better suited to a recreational type of business. Kassebaum stated he opposes the rezoning because he is trying to protect his son's long standing business which is located across the street.

No one else spoke in favor of, or opposition to this request. Subsequently, Cutsforth closed the public hearing.

Aerni asked if the continuance should be granted since staff is recommending denial. He asked how many times the Commission should grant a continuance before the applicant's request is denied.

# MINUTE RECORD

Bellevue Planning Commission Meeting, February 25, 2021, Page 2

Perrin inquired with other local residential care facilities being zoned BG (General Business) why this facility needed to have a zoning change from BG to RG-20 (General Residential). Palm stated the current zoning regulations require the zoning to be RG-20 to allow the residential care facility that is being proposed. She stated there are other residential care facilities in the area zoned BG that are considered legal non-conforming. Palm stated Chateau Apartments are in a BG zone and operate under a grandfather clause. She said when the apartments were built it was an allowed use in the BG zoning, but that has since changed with the update of the Zoning Ordinance. Perrin asked when the change to the Zoning Ordinance took place. Palm stated it was updated in 2011. She stated from 1965 to 2011 the previous Zoning Ordinance had a pyramidal zoning structure.

Jacobson asked staff if the facility and the surrounding area would be required to install sidewalks. Palm stated they would not. She stated the applicant's intent is to do interior work only. Palm stated the City Code requires sidewalks to be installed as part of new construction and in the case of certain sized additions to existing structures. Discussion ensued regarding construction plans for the facility.

Casey asked staff why the applicant continues to request continuances. Palm stated the first request was because they wanted time to "regroup" after staff's recommendation of denial. She stated she has had no recent contact with the applicant and is unsure of why the second continuance was requested. Casey said the letters of opposition stated they did not want the group home near their businesses because it put their health and welfare at risk. He stated another opposition was because of safety and traffic in the area. Casey said the question is, where the best location for a residential group home is. He stated he thinks this is an ideal place for the facility because it does not directly abut a commercial or residential business. Casey stated most people do not want a group home next to their home. He said although he does feel it is important to follow the Future Land Use Map, he thinks this is a good location for this business. Palm stated the lots adjacent to that major arterial are all commercial structures and part of the concern is to protect the commercial corridors still available in Bellevue.

Jacobson asked staff if commercial zoning surrounded the applicant's location. Palm stated that was correct: all properties along the corridor in that area are zoned BG. Jacobson stated he appreciated Mr. Casey's point.

Cutsforth stated she recalled other applicants requesting several continuances and the Commission granted those. Palm stated it was up to the Planning Commission to grant the continuance.

Perrin stated he agreed with Mr. Casey's point and was not opposed to the continuance. He stated he would like to find an avenue to fit the facility into the current BG zoning. Palm stated that would require a text amendment to allow nursing facilities, nursing homes, and group care homes into the BG zone. She stated the Planning Department felt it was important to preserve the BG zoning for true commercial uses.

Jacobson asked staff if the RG-20 zoning is approved if the zoning remains with the property and if at some point the structure was demolished could a single-family dwelling be constructed in that zone. Palm stated that was correct. Casey asked if the zoning could be changed if that scenario came about. Palm stated the City does not control that type of situation, and it would be up to the property owner to request a change of zone.

MOTION was made by Casey, seconded by Perrin, to CONTINUE a request to rezone Tax Lots 6A1A and 9A4A1, east of right-of-way, located in the Southwest ¼ of Section 26, T14N, R13E, from BG to RG-20 for the purpose of a residential group home facility to the February 25, 2021 Planning Commission Meeting. Applicant: i3, LLC. General Location: 601 Chateau Drive. Case #: Z-2012-17. Upon roll call Casey, Perrin, Ackley, Hankins, and Cutsforth voted yes, Aerni and Jacobson voted no. MOTION carried.

**This item will be CONTINUED to the PLANNING COMMISSION for PUBLIC HEARING ON March 25, 2021.**

Meeting adjourned at 7:35 p.m.



Dianna Van Horn  
Planning Secretary

# CITY OF BELLEVUE PLANNING DEPARTMENT

## RECOMMENDATION REPORT # 3

CASE NUMBER: Z-2012-18

FOR HEARING OF:

REPORT #1: January 28, 2021

REPORT #2: February 25, 2021

REPORT #3: March 25, 2021

### I. GENERAL INFORMATION

#### A. APPLICANT:

i3, LLC  
Attn: Fisher Easterling  
955 East Main Street, Ste. E, Box 92  
Lexington, SC 29072

#### B. PROPERTY OWNER:

Leopard Partnership Ltd.  
Attn: Margaret Swarbrick  
601 Chateau Drive  
Bellevue, NE 68005

#### C. GENERAL LOCATION:

601 Chateau Drive

#### D. LEGAL DESCRIPTION:

Tax Lots 6A1A and 9A4A1, east of right-of-way, located in the Southwest ¼ of Section 26, T14N, R13E of the 6<sup>th</sup> P.M., Sarpy County, NE

#### E. REQUESTED ACTION:

1. Rezone Tax Lots 6A1A and 9A4A1, east of right-of-way, from BG to RG-20 for the purpose of a residential group home facility.

#### F. EXISTING ZONING AND LAND USE:

BG, Vacant Commercial Building (former home of Leopard Lanes Bowling Alley)

**G. PURPOSE OF REQUEST:**

The purpose of this request is to obtain approval of a rezoning to facilitate an adolescent residential group home facility.

**H. SIZE OF SITE:**

The site is approximately 3.76 acres.

**II. BACKGROUND INFORMATION**

**A. EXISTING CONDITION OF SITE:**

This property is developed with a vacant commercial building which was most recently the home of Leopard Lanes Bowling Alley.

**B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**

- 1. **North:** Multi-Family Residential, BG
- 2. **East:** Commercial, BG
- 3. **South:** Commercial/Bellevue University, BG and BG-PCO
- 4. **West:** Commercial, BG

**C. REVELANT CASE HISTORY:**

- 1. On January 28, 2021, the Planning Commission continued a request to rezone Tax Lots 6A1A and 9A4A1, east of right-of-way, located in the Southwest ¼ of Section 26, T14N, R13E of the 6<sup>th</sup> P.M., Sarpy County, NE, from BG to RG-20 for the purpose of a residential group home facility. Continuation at the applicant’s request.
- 2. On February 25, 2021, the Planning Commission continued a request to rezone Tax Lots 6A1A and 9A4A1, east of right-of-way, located in the Southwest ¼ of Section 26, T14N, R13E of the 6<sup>th</sup> P.M., Sarpy County, NE, from BG to RG-20 for the purpose of a residential group home facility. Continuation at the applicant’s request.

**D. APPLICABLE REGULATIONS:**

- 1. Section 5.14, Zoning Ordinance, regarding RG-20 uses and requirements.

### **III. ANALYSIS**

#### **A. COMPREHENSIVE PLAN:**

The Future Land Use Map of the Comprehensive Plan designates this area as commercial.

#### **B. OTHER PLANS:**

If the rezoning is approved, the applicant intends to convert the existing building into an adolescent residential group home facility.

#### **C. TRAFFIC AND ACCESS:**

1. There is no MAPA traffic data available for this location.
2. This property has access from two points along Chateau Drive.

#### **D. UTILITIES:**

All utilities are available to this location.

#### **E. ANALYSIS:**

1. i3, LLC has submitted a request to rezone Tax Lots 6A1A and 9A4A1, east of right-of-way, located in the Southwest ¼ of Section 26, T14N, R13E of the 6<sup>th</sup> P.M., Sarpy County, NE from BG to RG-20.
2. The applicant is requesting a zoning change to RG-20 in order to facilitate an adolescent residential group home facility. No platting is being requested at this time.

The applicant states Broadstep Behavioral Health is a national care provider for both adolescents and adults. They have recently added Nebraska to its geography due to a statewide shortage of care in this category. The building located at 601 Chateau Drive, home of the former Leopard Lanes Bowling Alley, would be converted into an adolescent residential group home facility for those with behavioral health challenges and therapeutic needs. The adolescents in this facility would eat, sleep, recreate, and be educated on premises.

A copy of the applicant's letter detailing their request is attached to this report.

3. This property is located along the busy Harvell Drive corridor. The corridor consists of commercial zoning and uses in the general vicinity of this property.

4. The Chateau Apartments are adjacent to the north of this property. Although a multi family residential use, the apartments are zoned BG and BG-PCO. Due to their age, they are a grandfathered use in a commercial zoning district.

5. This application was sent out to the following departments/individuals for review: Public Works, Permits and Inspections, Chief of Police, Offutt Air Force Base, Fire Inspector, and the Bellevue Public School District. The cover letter indicated a deadline to send comments back to the Planning Department, and also stated if the requested department did not have comments pertaining to the application, no response was needed.

Mike Christensen, Chief Building Official, commented the Harvell Drive corridor was zoned BG to encourage commercial growth up and down the corridor. He indicated even though the Chateau Apartments are to the north of this property, the intent of the development of this area is for commercial uses moving forward.

No other comments were received on this case.

6. The Future Land Use Map of the Comprehensive Plan designates this area as commercial.

7. Staff does not believe this request is compatible with the existing development along the Harvell Drive corridor, nor is it appropriate when considering the Future Land Use Map designation of this property and the Comprehensive Plan.

**F. TECHNICAL DEFICIENCIES:**

None

**IV. DEPARTMENT RECOMMENDATION**

DENIAL based upon the Future Land Use Map and Comprehensive Plan, as well as the perceived negative impact upon the surrounding area.

**V. PLANNING COMMISSION RECOMMENDATION**

Under Review

**VI. ATTACHMENTS TO REPORT**

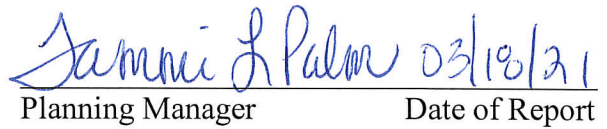
1. Vicinity Map/Zoning Map
2. 2020 GIS aerial photo of the property
3. Letter from Fisher Easterling received December 24, 2020.
4. Letter from Chief Master Mike Kassebaum received January 28, 2021.
5. Letter from Tami Moore received February 11, 2021.
6. Letter from David "Nick" Forss received February 18, 2021.

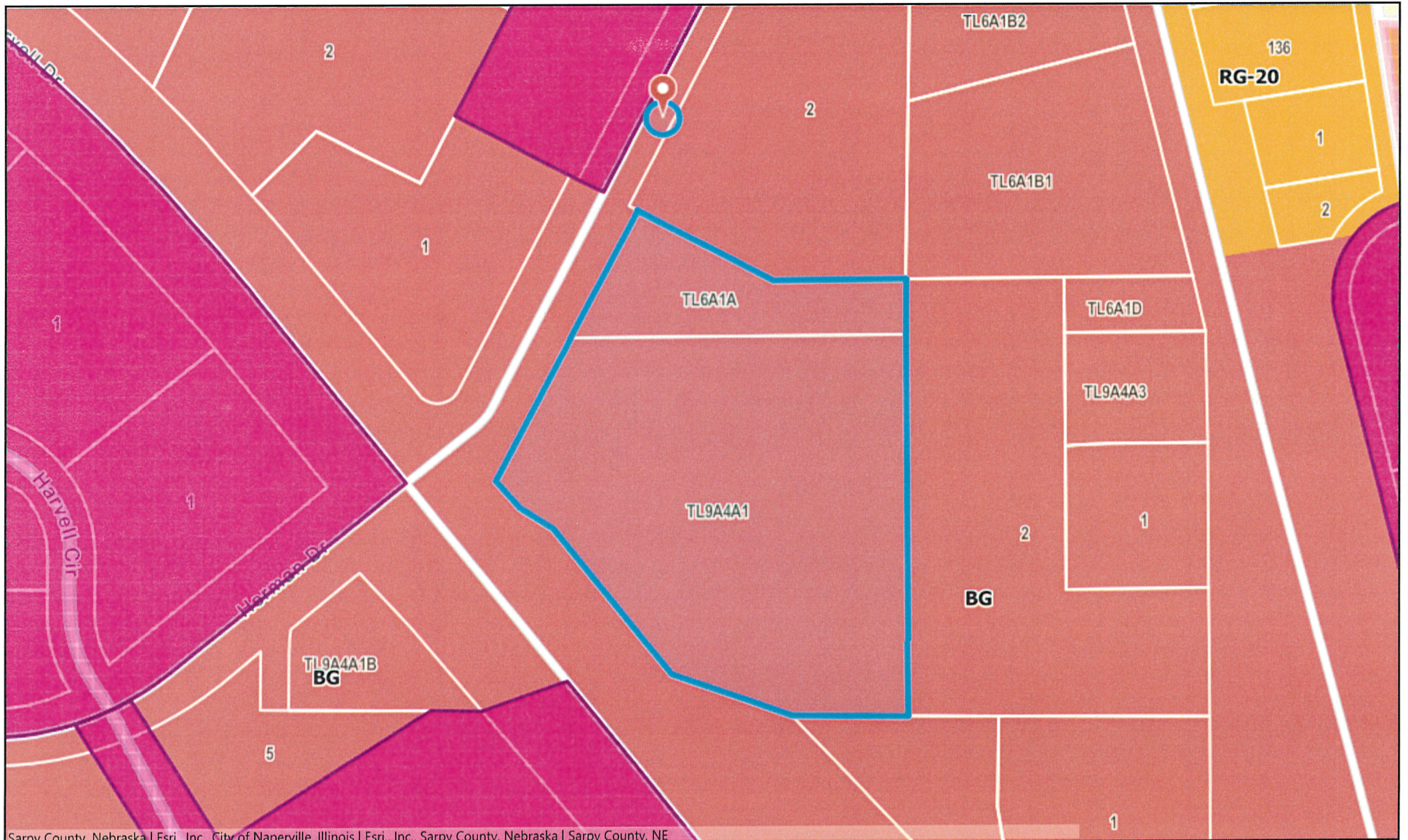
7. Letter from Daniel Schmit received February 22, 2021.
8. Letter from Jerry Kassebaum received February 24, 2021.

**VII. COPIES OF REPORT TO:**

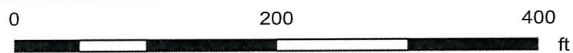
1. i3, LLC
2. Leopard Partnership, Ltd.
3. Public Upon Request

 3/18/21  
Assistant Planning Manager

 03/18/21  
Planning Manager                      Date of Report

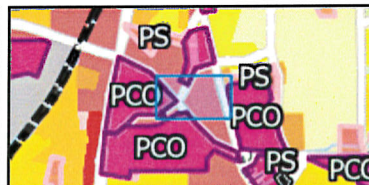


Sarpy County, Nebraska | Esri, Inc., City of Naperville, Illinois | Esri, Inc., Sarpy County, Nebraska | Sarpy County, NE



Map Scale 1: 2257

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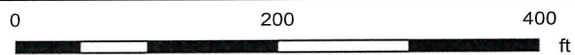


Notes



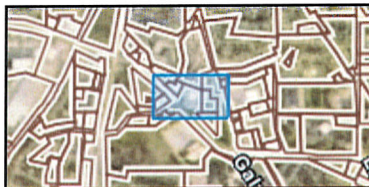


Esri, Inc., City of Naperville, Illinois | Esri, Inc., Sarpy County, Nebraska | Sarpy County, NE



Map Scale 1: 2257

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the source records and information sources to ascertain the usability of the information.



Notes





i3, LLC  
955 E. Main Street  
Suite E Box #92  
Lexington, SC 29072

Dear Ms. Palm:

Thank you for your time and consideration regarding the pending request to re-zone the property at 601 Chateau Dr. ("Leopard Lanes"). As previously discussed, we are seeking a new zoning status, changing from the current "BG" designation to the appropriate "RG-20" designation. It is our understanding that this zoning change will allow for the Tenant's use as behavioral healthcare providers.

To be more specific "Broadstep Behavioral Health" is a national care provider for both adolescents and adults and has recently added Nebraska to its geography due to a stated statewide shortage of care in this category. This facility is planned for adolescent care for those with behavioral health challenges and therapeutic needs. The youth in this facility will eat, sleep, recreate, and be educated on these premises. Please let us know if there are any questions at all about this group, or the specific intentions for the property. We look forward to discussing with your group as necessary, and we look forward to being a part of the Bellevue community.

Best Regards,

Fisher Easterling

RECEIVED  
DEC 24 2020  
PLANNING DEPT.



January 26, 2021

City of Bellevue Planning Department  
1510 Wall Street  
Bellevue, NE 68005  
Case # Z:2012-17 or Applicant i3, LLC.

RECEIVED  
JAN 28 2021  
PLANNING DEPT.

To Tammi Palm:

I am writing regarding the proposed rezoning of tax lot 6A1A & 9A4A1 at 601 Chateau Drive, Bellevue. I own the business across the street from this location: Kassebaum's Martial Arts, 2111 Harvell Drive.

I am opposed to the rezoning of this area for the purpose of an adolescent residential group home. I am a small business owner who has faced a rough year due to the pandemic. The proposed rezoning would only put my business in further jeopardy.

My clientele is made up of families, most with children. Having an adolescent group home across the street would deter families from choosing my business. Safety is always a top priority for parents. A martial arts school across the street from an adolescent residential group home does not portray a safe environment for their children.

I am trying to keep my business afloat. I have owned a small business in Bellevue for 15 years. Each year my academy hosts a tournament in Bellevue that brings in roughly 500 competitors. We rent out the gym in a high school adding income to Bellevue Public Schools. Our tournament also contributes to other Bellevue businesses such as hotels and restaurants.

I frequently offer free self-defense seminars as well as free child safety days to the Bellevue Community. If my school loses business and is forced to close or move to another location, I will no longer be able to contribute all of this to this community.



After the past year, I cannot afford another hit to my business. In my opinion choosing to put this group home across the street from a martial arts school that caters to families with small children is an alarming choice.

Not only will it hurt the economic stability of my school, it also puts my clients' health and welfare at risk. I am asking that the rezoning for this purpose be denied. I would like to keep my partnership with the city of Bellevue going for many years to come.

Please consider this request of a longtime Bellevue business owner.

Thank you,  
Chief Master Mike Kassebaum  
Kassebaum's Martial Arts  
2111 Harvell Drive  
Bellevue, NE 68005  
(402) 826-7448



The Lund Company  
450 Regency Parkway  
Suite 200  
Omaha, NE 68114  
Tel +1 402 393 8811  
Fax +1 402 393 2402  
lundco.com

February 11, 2021

Case #: Z-2012-17

RE: Letter of Opposition

Dear Council,

I am writing on behalf of the ownership of Chateau Apartments, as well as the 115 residents that reside within the community. We are writing to express our opposition to the proposed rezoning and development of Tax Lots 6A1A & 9A4A1. The City of Bellevue can support this development in a different location without the need to rezone. We believe the proposed rezoning would have a negative impact on the apartment communities located on Chateau Drive. Furthermore, the residents of Chateau Apartments oppose the adolescent group home as they are fearful that this change could cause safety problems and increased traffic congestion.

We urge you to disapprove the proposed rezoning, and from recent discussions with the neighboring apartment communities, we know our opinions are shared by others who have not managed to attend meeting or write letters and emails.

Thank you for your continued service and support of our communities.

Sincerely,

**Tami Moore, CAM, CAPS**  
Director of Residential Property Management  
The Lund Company  
(402) 548-4073  
[tami.moore@lundco.com](mailto:tami.moore@lundco.com)

RECEIVED  
FEB 11 2021  
PLANNING DEPT.

February 16, 2021

RE: Case #: Z-2012-17

RECEIVED

FEB 18 2021

PLANNING DEPT.

To Whom It May Concern:

This letter serves as formal notice of our opposition to the re-zoning proposed at Tax Lots 6A1A & 9A4A1. I am one of the owners of the neighboring Chateau apartments, which consists of 115 apartment units. On behalf of our tenants, we vehemently request that rezoning is declined. A few of our tenants have already voiced concern over the potential rezoning as they have fears for their safety and wellbeing.

We appreciate the efforts of the group trying to establish an adolescent group home. My wife worked for a non-profit that helped at risk youth for 8-9 years. We also founded a charity that specialized in programs for children with special needs. While we appreciate and understand the benefits, we believe that there are significantly better locations than being placed in a retail center next to a number of apartment units. We believe that the city of Bellevue should be able to help the organization find a more suitable location.

We previously owned a multi-family property in Idaho Falls, ID. We had a similar situation where a group home was moved next to the complex. We ended up with a number of issues with tenants having items stolen, damaged, and concerns for their safety. We experienced increased crime and graffiti at the property. After two years this facility was closed down and immediately tenants felt a sense of relief and crime decreased.

On last month's call, we heard one of the committee members voice concern over the vacant retail space. In general, we would tend to agree that it is obviously better to have the space filled. However, over the past year of Covid, the country has experienced significant vacancy in retail, strip centers, and shopping malls. Thus, it is not specific to this location. We would also argue that over time this having the group home located here will dissuade neighboring retailers from being able to re-lease existing tenants or secure new tenants in the future. Therefore, it would likely cause the area to have even more significant vacancy issues over time.

Finally, although the success of the Chateau apartments may not be of concern to the Committee. This change in rezoning, will result in our property having higher vacancy, lower rental rates, and would likely eventually cause the property to be financially insolvent. This could result in an increased downturn in the community as we potentially many not be able to

deal with deferred maintenance items. We would request that the committee recommend a significant decrease in our property taxes if this rezoning is approved as we would not be able to afford the current rates being charged on the property.

Please confirm receipt of this letter and let me know if we need to provide to anyone else. We appreciate your understanding of our concerns. If you have any additional questions or concerns, please feel free to reach out.

Sincerely,

*David N Forss*

David "Nick" Forss  
EPH Properties, LLC



REALTY & MANAGEMENT

14301 FNB Parkway, Suite 100 | Omaha, NE 68154 | (402) 650-2294

February 22, 2021

City of Bellevue Planning Department  
1510 Wall St  
Bellevue, NE 68005

Case: Z-2012-18  
Re: Letter of Opposition

RECEIVED  
FEB 22 2021  
PLANNING DEPT.

Dear Members of the Bellevue Planning Commission and Tammi Palm,

I am writing on behalf of Sunset Hills Townhomes and its residents to express our opposition to the proposed rezoning for Tax Lots 641A and 9A4A1 (601 Chateau Dr.) I am an owner of Sunset Hills Townhomes, which is a community comprised of 55 townhomes located at 302-518 Chateau Dr. We believe the proposed zoning change would have a negative impact on our community and is inconsistent with Bellevue's future land use map.

Sunset Hills Townhomes is a residential community surrounded by a triangle of commercially zoned properties comprised of Fort Crook Rd. to the west, Galvin Rd. to the east, and Harvell Rd. to the south. Our community has many residents who have lived in their townhomes for ten to twenty years or longer. We frequently hear from residents who like that the community is quiet and peaceful yet surrounded by shops and activities. We have had numerous residents voice concerns about safety and traffic associated with the proposed adolescent group home, and we are concerned that many will move if the zoning change is approved.

The existing building on the parcel is a vacant commercial building that was used as a bowling alley. If marketed properly, it can likely be repurposed for numerous commercial uses including retail shops, but the bowling alley is not appropriate for residential use. Bellevue has seen substantial new commercial development along the Cornhusker Rd./Harvell Dr. corridor that continues to expand to the east. We believe the property at 601 Chateau Dr. is a key parcel that helps join the commercial corridors between Cornhusker Rd./Harvell Dr. and Galvin Rd. It would be most beneficial for the city, as well our residents, if the Planning Commission keeps the existing zoning in place so the development we have seen in the past few years can continue.

While we believe that both the location and building are not appropriate for the requested use, we also believe that adolescent group homes serve a valuable purpose for the community. Numerous other locations exist within the city of Bellevue and surrounding communities that are properly zoned for this activity, and we would ask that the applicant work with officials of Bellevue and surrounding

communities to identify another appropriately zoned property where the project could benefit the community without negatively influencing the surrounding properties.

Sincerely,

A handwritten signature in black ink that reads "Daniel Schmit". The signature is written in a cursive style with a large initial 'D' and a stylized 'S'.

Sincerely,

Daniel Schmit

Deer Creek Realty & Management, LLC

[dan@deercreekmanagement.com](mailto:dan@deercreekmanagement.com)

(402) 650-2294

2/22/2021

City of Bellevue  
Planning Department  
1510 Wall Street  
Bellevue, NE 68005

CASE #Z-2012-17  
RE: Letter of Opposition

Dear Council,

I am writing to express my opposition to the proposed rezoning and development of Tax Lots 6A1A & 9A4A1 (601 Chateau Drive). Reasons why are outline below.

1. The City of Bellevue Planning Department Recommendation Report #1. Michael Christensen, Chief Building Official, commented the Harvell Drive corridor was zoned BG to encourage commercial growth up and down the corridor. He indicated the intent of the development of this area is for commercial uses moving forward. This report also states staff does not believe this request is compatible with the existing development along the Harvell corridor, nor is it appropriate when considering the Future Land Use Map designation of this property and the Comprehensive Plan.
2. There is residential property available in Bellevue currently that could be used vs needing to change the zone of a intended commercial property to residential. The ongoing zoning plans for Harvell corridor was supposed to be commercial ongoing. When we bought our property there was no indication that the zoning for this area would be changed. If I knew there was going to be a change in zoning we would have selected a different location.
3. The area businesses rely on a larger amount traffic driving by which in turn helps their businesses be visible and helps contribute to sales. Residential usually attracts a smaller amount of traffic therefore decreases sales.
4. A commercial property with a viable business will bring in more sales tax and property tax for Bellevue and contribute to the economy of Bellevue .
5. The proposed business that wants to move into this property is an out of state business. Would it not be best to support local business and help local business thrive first.
6. There was a reasonable offer made to the current owners to buy the business and continue running it as a bowling center. The current owners made it clear this property would never be a bowling center again.
7. If present property owners want to make a large improvement for the area, financing my be more difficult to receive do to mix zoning.

Jerry Kassebaum  
2111 Harvell Dr  
Bellevue, NE 68005  
(402) 641-5683

RECEIVED  
FEB 24 2021  
PLANNING DEPT.

**CITY OF BELLEVUE  
PLANNING DEPARTMENT**

**RECOMMENDATION REPORT #1**

**CASE NUMBERS:** Z-2102-01  
S-2101-01

**FOR HEARING OF:**  
**REPORT #1:** March 25, 2021

**I. GENERAL INFORMATION**

**A. APPLICANT:**

DWS Land Surveying  
Attn: Dennis Whitfield  
2915 Sheridan Road  
Bellevue, NE 68123

**B. PROPERTY OWNER:**

James Lorence  
9100 South 13<sup>th</sup> Street  
Bellevue, NE 68147

**C. GENERAL LOCATION:**

9100 South 13<sup>th</sup> Street

**D. LEGAL DESCRIPTION:**

Lots 1 through 3, Old Orchard Place Replat 2, being a replat of Lots 15A, 15B, and 15C, Old Orchard Place, located in the Southeast  $\frac{1}{4}$  of Section 22, T14N, R13E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska.

**E. REQUESTED ACTIONS:**

1. Rezone Lots 1 through 3, Old Orchard Place Replat 2, from AG and RE to RE and RG-50.
2. Small subdivision plat Lots 1 through 3, Old Orchard Place Replat 2, being a replat of Lots 15A, 15B and 15C, Old Orchard Place.

3. Waiver of Section 6-7 (8), Subdivision Regulations, regarding lot standards for flag lots.

**F. EXISTING ZONING AND LAND USE:**

AG and RE, Single-Family Residential

**G. PURPOSE OF REQUEST:**

The purpose of this request is to obtain approval of a rezoning and small subdivision plat for the purpose of existing residential development, and a request for a waiver of Section 6-7 (8) of the Subdivision Regulations for flag lots.

**H. SIZE OF SITE:**

The site is approximately 4.96 acres.

**II. BACKGROUND INFORMATION**

**A. EXISTING CONDITION OF SITE:**

Lot 15A is presently developed with two single-family residential buildings (one 578 square feet built in 1886, and one 810 square feet built in 1961), three detached garages, and two accessory structures; Lot 15B, is developed with a single-family residential building built in 1971 and a wooden shed; and Lot 15C is presently developed with a single-family residential structure built in 1934.

**B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**

1. **North:** Vacant, AG
2. **East:** Single Family Residential, AG (across South 13<sup>th</sup> Street)
3. **South:** Single Family Residential, RS-72
4. **West:** Single Family Residential, RS-72

**C. REVELANT CASE HISTORY:**

There have been no recent requests to rezone or replat this property.

**D. APPLICABLE REGULATIONS:**

1. Section 5.07, Zoning Ordinance, regarding RE uses and requirements.
2. Section 5.12, Zoning Ordinance, regarding RG-50 uses and requirements.
3. Chapter 5, Subdivision Regulations, regarding Small Subdivisions.
4. Chapter 8, Subdivision Regulations, regarding Hardship and Waivers.

### **III. ANALYSIS**

#### **A. COMPREHENSIVE PLAN:**

The Future Land Use Map of the Comprehensive Plan designates this property as medium density residential.

#### **B. OTHER PLANS:**

None

#### **C. TRAFFIC AND ACCESS:**

1. There is no MAPA traffic data information available for this area.
2. The property presently has access from private driveways off of South 13<sup>th</sup> Street.

#### **D. UTILITIES:**

All utilities are available to this property.

#### **E. ANALYSIS:**

1. Dennis Whitfield, on behalf of DWS Land Surveying, is requesting approval of a rezoning and small subdivision plat for Lots 1 through 3, Old Orchard Place Replat 2, for the purpose of existing residential development.

2. Lots 15A and 15C, Old Orchard Place, are presently non-conforming AG (Agricultural District) lots with several homes, garages, and outbuildings. The applicant is requesting a change in zone from AG to RG-50 to bring both lots into conformance with existing setbacks.

Lot 15B, Old Orchard Place, is zoned RE (Residential Estates) and developed with a single-family residential home which is compliant with the current zoning ordinance.

3. This application was sent out for review by the following departments and individuals: Public Works, Permits and Inspections, Chief of Police, Offutt Air Force Base, Fire Inspector, and the Bellevue Public School District. The cover letter indicated a deadline to send comments back to the Planning Department and stated if the requested department did not have comments pertaining to the application, no response was needed.

Krista Hoffart, Offutt AFB commented this project is not located within Offutt Air Force Base's Accident Potential zones or Noise Contours.

No other comments were received on this case.

4. The applicant is also requesting a waiver of Section 6-7 (8), Subdivision Regulations, regarding lot standards for flag lots. The existing configuration of the properties contains a flag lot for Lot 15B, Old Orchard Place; therefore, staff has no objections to the wavier as requested. The waiver is necessary to allow for the minimum setback requirements for the existing buildings on the adjacent property.

5. The Future Land Use Map of the Comprehensive Plan shows these properties as medium density residential. This request is in conformance with the Comprehensive Plan.

**F. TECHNICAL DEFICIENCIES:**

None

**IV. DEPARTMENT RECOMMENDATION**

APPROVAL based upon conformance with the Zoning Ordinance, Subdivision Regulations, Comprehensive Plan, and lack of perceived negative impact upon the surrounding area.

**V. PLANNING COMMISSION RECOMMENDATION**

Under Review

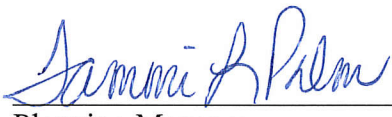
**VI. ATTACHMENTS TO REPORT**

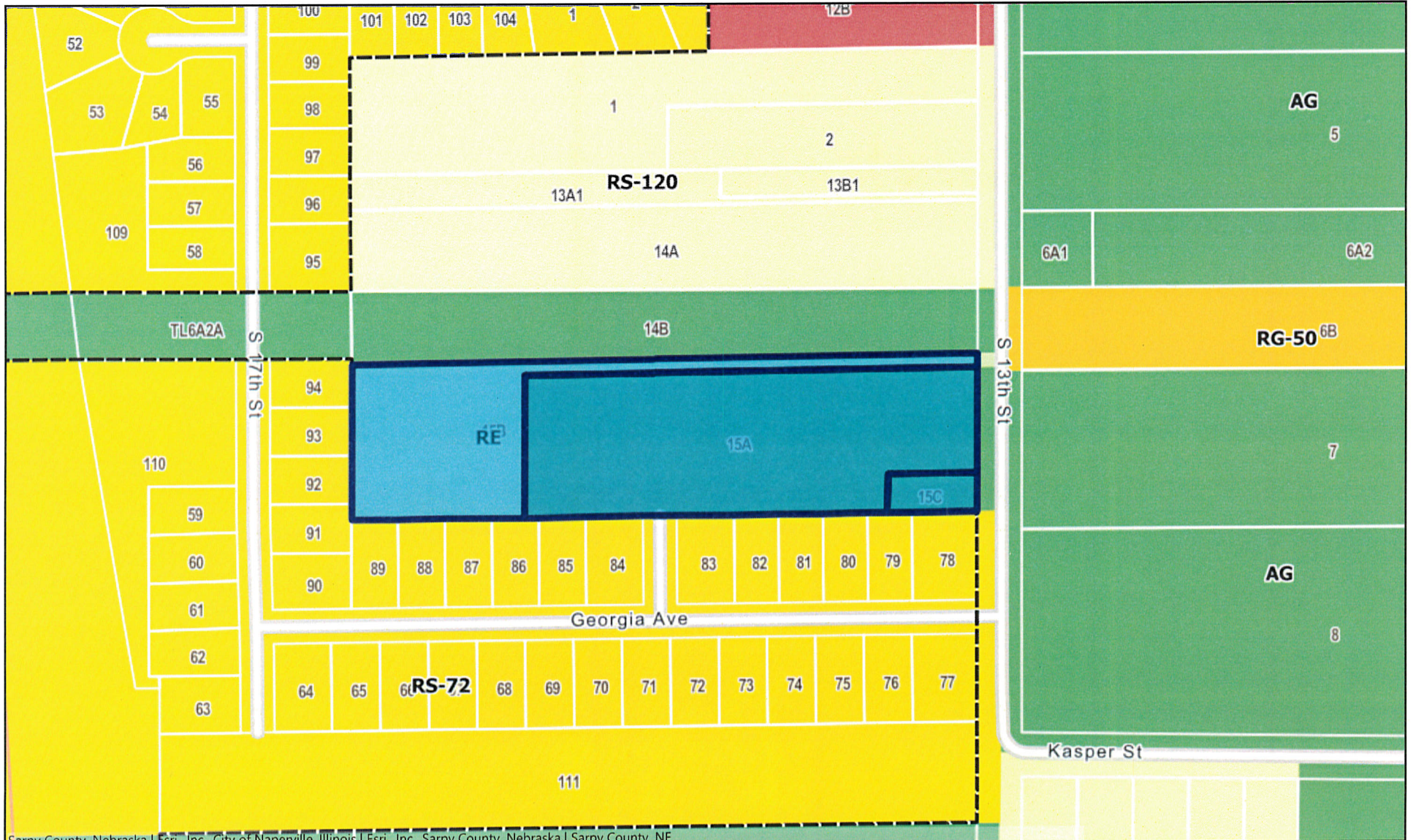
1. Zoning Map
2. 2020 GIS aerial photo of the property
3. Small subdivision plat received February 1, 2021
4. As-built received February 20, 2021
5. Letter from Dennis Whitfield received March 2, 2021

**VII. COPIES OF REPORT TO:**

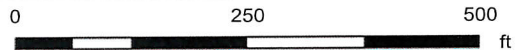
1. DWS Land Surveying (Dennis Whitfield)
2. James Lorence
3. Public Upon Request

 3/18/21  
Assistant Planning Manager Date of Report

 03/18/21  
Planning Manager Date of Report



Sarpy County, Nebraska | Esri, Inc., City of Naperville, Illinois | Esri, Inc., Sarpy County, Nebraska | Sarpy County, NE



Map Scale 1: 3185

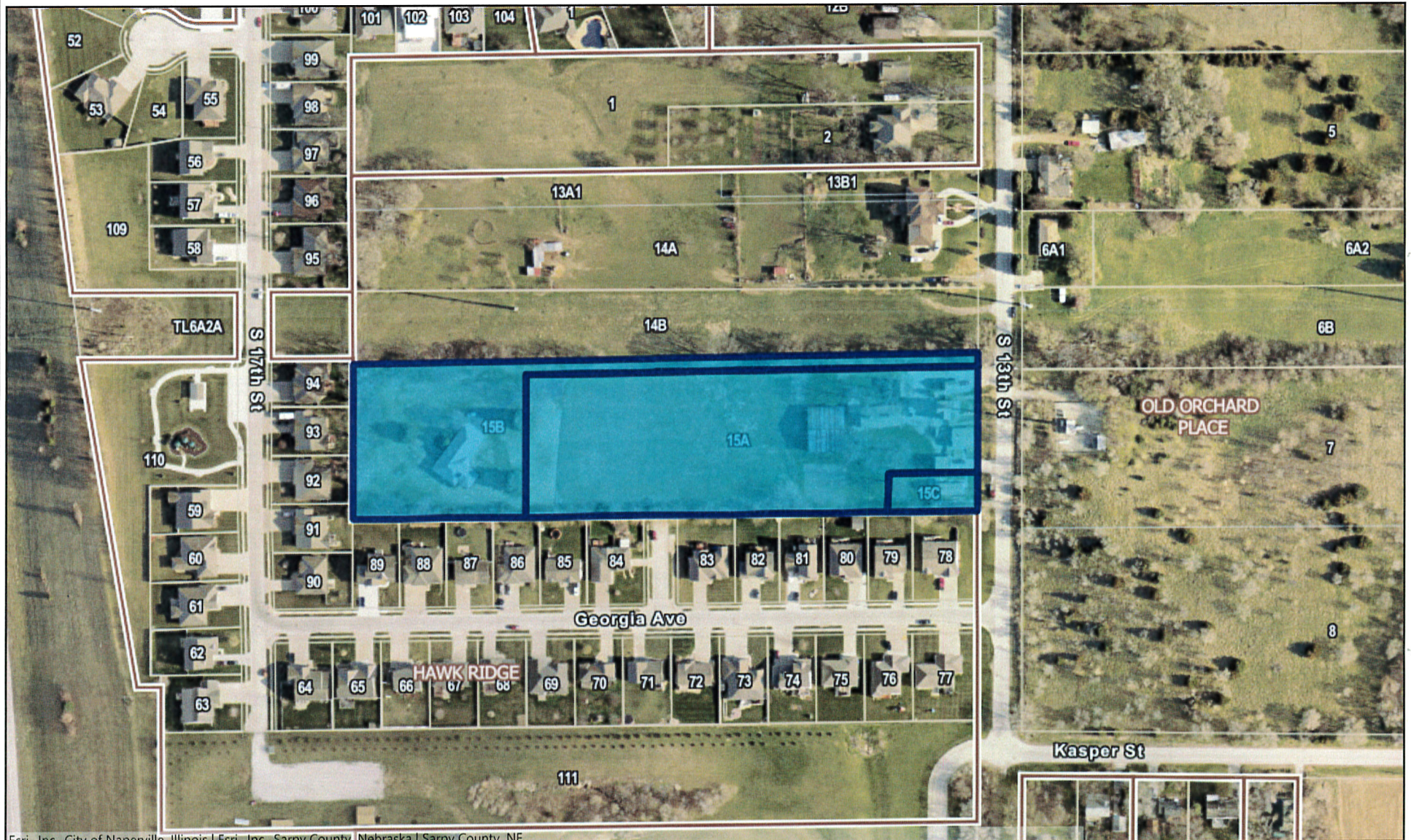
This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the source records and information sources to ascertain the usability of the information.



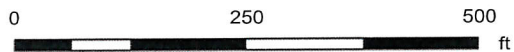
Notes



# Lots 15A, 15B, 15C, Old Orchard Place



Esri, Inc., City of Naperville, Illinois | Esri, Inc., Sarpy County, Nebraska | Sarpy County, NE



Map Scale 1: 3185

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Notes



# OLD ORCHARD PLACE REPLAT 2 CITY OF BELLEVUE - SMALL SUBDIVISION

LOTS 1, 2 & 3

Being a replat of the Lots 15A, 15B and 15C, OLD ORCHARD PLACE, an addition to the City of Bellevue, as surveyed, platted and recorded in the Southeast 1/4 of Section 22, Township 14 North, Range 13 East of the 6th P.M., Sarpy County, Nebraska.

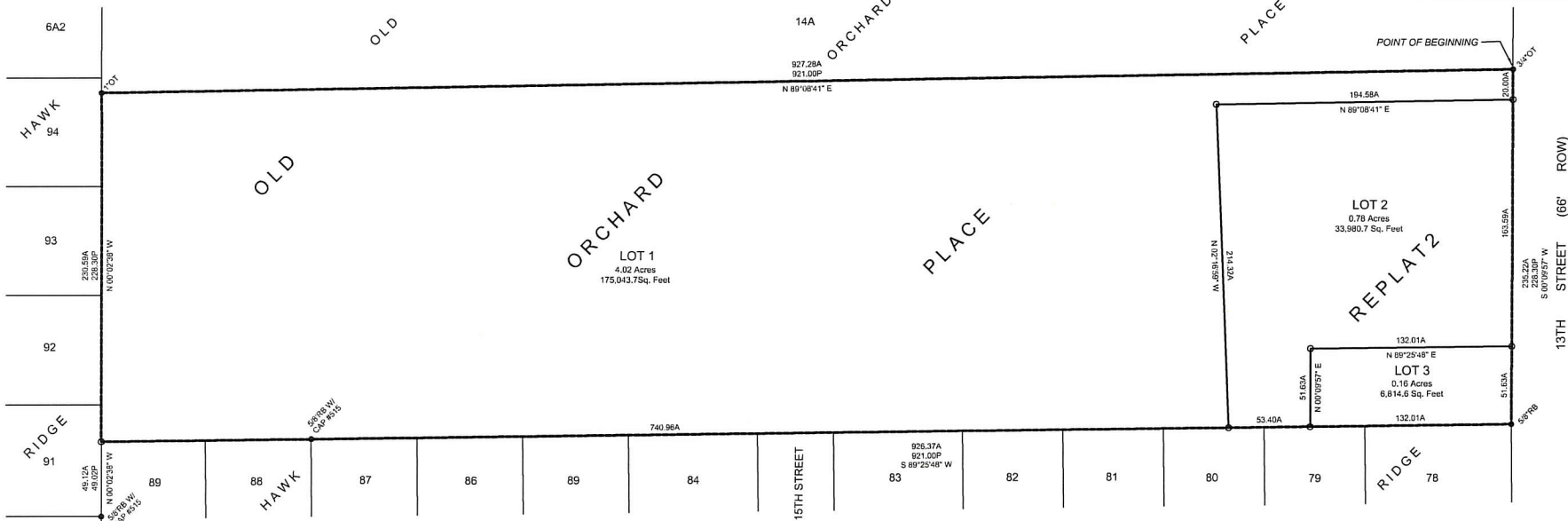
### LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I have made a boundary survey of the subdivision herein and that permanent monuments have been found or set at all corners of said subdivision to be known as OLD ORCHARD PLACE REPLAT 2, being a replat of the Lots 15A, 15B and 15C, OLD ORCHARD PLACE, an addition to the City of Bellevue, as surveyed, platted and recorded in Sarpy County, Nebraska, more particularly described as follows: Beginning at the Northeastly corner of said Lot 15B, also being on the West Right-of-Way line of 13th Street, thence South 0°09'57" West (assumed bearing) along said West Right-of-Way line a distance of 235.22 feet to the Southeastly corner of said Lot 15C; thence South 89°25'48" West along the south line of said Lots 15C, 15A and 15B a distance of 926.37 feet to the Southwestly corner of said Lot 15B; thence North 0°02'38" West along the West line of said Lot 15B a distance of 230.59 feet to the Northwest corner of said Lot 15B; thence North 89°08'41" East along the North line of said Lot 15B a distance of 927.28 feet to the point of beginning and containing 4.955 acres more or less.

Dennis L. Whitfield, P.E., L.S.  
L.S. 449

Date: 1-28-21

RECEIVED  
FEB 01 2021  
PLANNING DEPT.



### DEDICATION

Know all men by these presents that we, James L. Lorence and Lana J. Lorence, husband and wife, and Jacob Kripal, Member of Mike and Jake Properties, LLC, being the owners of the property described within the Surveyor's Certificate and embraced within this Plat, have caused said land to be replatted as shown, said addition to be hereafter known as "OLD ORCHARD PLACE REPLAT 2", and we do hereby ratify and approve of the deposition of the property as shown on this plat, and further grant perpetual easements to Omaha Public Power District (OPPD), Cox Communications, and Centurylink across a five (5) foot wide strip of land abutting all front and side boundary lot lines; an eight (8) foot wide strip of land abutting the rear boundary lines of all interior lots; and a sixteen (16) foot wide strip of land abutting the rear boundary lines of all exterior lots. The term exterior lots is herein defined as those lots forming the outer perimeter of the above described addition. The sixteen (16) foot wide easement may be reduced to eight (8) feet wide when the adjacent land is surveyed, platted and recorded. The subdivider shall grant perpetual easements to Metropolitan Utilities District and/or Black Hills Energy, their successors and assigns to erect, install, operate, maintain, repair and renew pipelines, hydrants and other related facilities and to extend thereon pipes for the transmission of gas and water on, through, under and across a five (5) foot wide strip of land abutting all cul-de-sac streets. No permanent buildings or retaining walls shall be placed in said easement ways, but the same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the aforesaid or rights herein granted.

In witness whereof, we do set our names this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

James L. Lorence Lana J. Lorence

In witness whereof, we do set our names this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Jacob Kripal, Member of Mike and Jake Properties, LLC

### REVIEWED BY SARPY COUNTY PUBLIC WORKS

This Plat of "OLD ORCHARD PLACE REPLAT 2" was reviewed by the Sarpy County Surveyor's Office.

Sarpy County Engineer / Surveyor Date

### ACKNOWLEDGEMENT OF NOTARY

State of Nebraska )  
County of \_\_\_\_\_ ) SS

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public duly commissioned and qualified in and for said County, appeared James L. Lorence and Lana J. Lorence, husband and wife, known by me to be the identical persons whose names are affixed to the Dedication on this Plat, and did acknowledge the execution inherent to be their voluntary act and deed.  
My Commission expires \_\_\_\_\_.

Notary Public

### ACKNOWLEDGEMENT OF NOTARY

State of Nebraska )  
County of \_\_\_\_\_ ) SS

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public duly commissioned and qualified in and for said County, appeared Jacob Kripal, Member of Mike and Jake Properties, LLC, known by me to be the identical persons whose names are affixed to the Dedication on this Plat, and did acknowledge the execution inherent to be their voluntary act and deed.  
My Commission expires \_\_\_\_\_.

Notary Public

### COUNTY TREASURER'S CERTIFICATION

This is to certify that I find no regular or special taxes due or delinquent against the property as described in the Surveyor's Certificate and as shown by the records of this office.

Sarpy County Treasurer Date

### APPROVAL OF BELLEVUE PLANNING COMMISSION

This Plat of "OLD ORCHARD PLACE REPLAT 2" was approved by the Bellevue Planning Commission this \_\_\_\_\_ Day of \_\_\_\_\_, 2021.

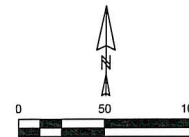
Bellevue Planning Commission

### APPROVAL OF BELLEVUE CITY COUNCIL

This Plat of "OLD ORCHARD PLACE REPLAT 2" was approved by the Bellevue City Council this \_\_\_\_\_ Day of \_\_\_\_\_, 2021. This Plat becomes null and void if not recorded within 90 Days of the above Date.

Mayor, City of Bellevue

Attested, City Clerk



LEGEND

- Pine Nail
- Iron Nail
- Pine Found
- ▲ Plat Dimension
- A Actual Dimension
- FT Pinch Top
- OT Open Top
- SS Stake
- Centerline
- Section Corner
- Long Chord
- Smooth Bar

Project No. 122-24

D W S  
Land Surveying  
Dennis L. Whitfield, PE, LS  
2915 Sheridan Road  
Bellevue, NE 68123  
(402) 292-1221

# AS-BUILT OLD ORCHARD PLACE REPLAT 2

LOTS 1, 2 & 3

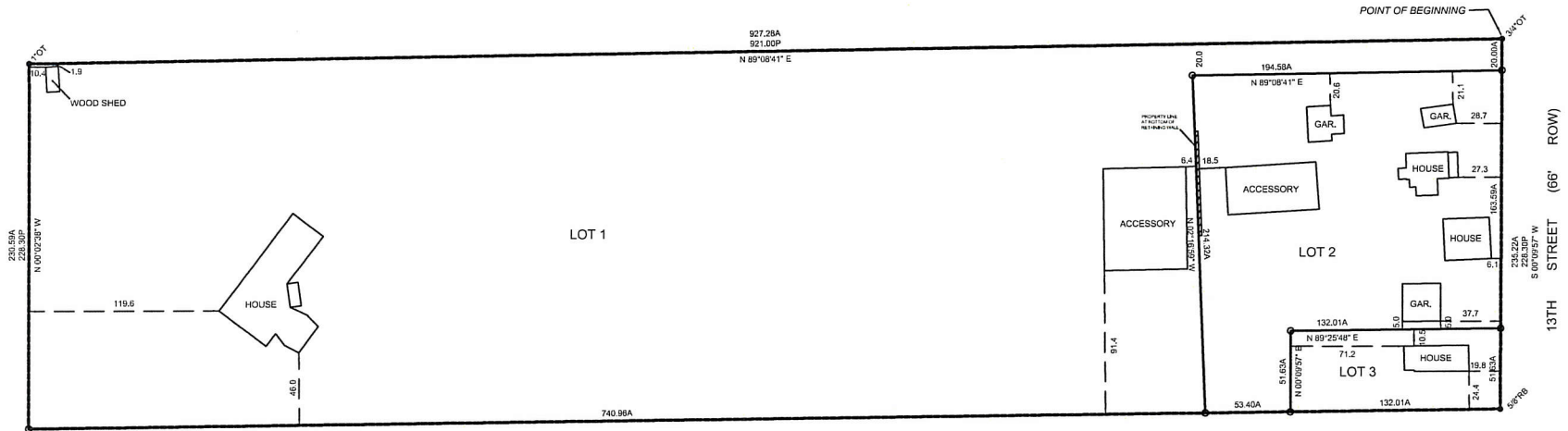
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an addition to the City of Bellevue, as surveyed, platted and recorded in the  
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Sarpy County, Nebraska.

## LAND SURVEYOR'S CERTIFICATE

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Dennis L. Whitfield, P.E., L.S.  
L.S. 449

Date: 1-28-21



### ZONING

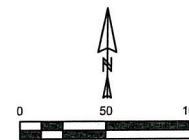
CURRENT  
Lot 15A - AG  
Lot 15B - RE  
Lot 15C - AG

PROPOSED  
Lot 1 - RE  
Lot 2 - RD50  
Lot 3 - RG50

### SURVEYORS NOTE:

Setback and Sideyard distance show  
are shortest from Structure to Property Line.

RECEIVED  
FEB 20 2021  
PLANNING DEPT.



LEGEND	
○	Pin Set
●	Pin Found
○	Pin Dimension
△	Actual Dimension
□	Pinch Top
○	Open Top
○	Bar
○	Centering
○	Section Corner
○	Long Chain
○	Smooth Bar

Project No. 122-24AB

D  
W  
S  
Land Surveying  
Dennis L. Whitfield, PE, LS  
2915 Sheridan Road  
Bellevue, NE 68123  
(402) 292-1221



## Land Surveying

2915 Sheridan Road  
Bellevue, NE 68123-1993

402-292-1221  
dws-services@cox.net

March 2, 2021

Ms. Tammi Palm, Planning Director  
City of Bellevue  
1510 Wall Street  
Bellevue, NE 68005

RE: Proposed "OLD ORCHARD PLACE REPLAT 2"  
Zoning Wavier Request

Dear Ms. Palm,

Please allow this correspondence to serve as a request to wavier, City of Bellevue Subdivision Regulations, Chapter 6, Paragraph 7, Line 8.

Specific waiver being requested is;

- Proposed Lot 1 of "OLD ORCHARD PLACE REPLAT 2" currently, and for some length of time prior, is a "Flag Lot". Continuation of this configuration will be necessary to allow access to existing residence.

Please advise should additional questions or concerns need to be addressed.

Best Regards,

A handwritten signature in blue ink, appearing to read 'Dennis L. Whitfield'.

Applicant For the Owner,  
Dennis L. Whitfield, P.E., L.S.

RECEIVED  
MAR 2 2021  
PLANNING DEPT.